



City Council Meeting

Draft Minutes/Synopsis

Tuesday, December 10, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



MINUTES OF THE CITY COUNCIL MEETING

SAN JOSÉ, CALIFORNIA

TUESDAY, DECEMBER 10, 2019

The Council of the City of San José convened in Closed Session at 9:40 p.m. in the Council Chambers at City Hall. (See Page 29 for Closed Session Minutes)

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Diep (9:58 a.m.), Carrasco (10:18 a.m.), Davis, Esparza (10:51 a.m.), Arenas (9:52 a.m.), Foley, Khamis.

Absent: Councilmembers - All present.

By unanimous consent, Council recessed from the Closed Session at 11:09 a.m. and reconvened to Regular Session at 1:33 p.m. in the Council Chambers.

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Diep (1:37 p.m.), Davis, Esparza, Arenas, Foley, Khamis.

Absent: Councilmembers - All present.

INVOCATION

Heather Judd, President of the Relief Society of the San José California South Stake of the Church of Jesus Christ of Latter Day Saints, provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 6.2 not to be heard before 6:00 P.M; Item 2.1 deferred to 12/17/19, Item 3.7 to be heard concurrently with items 3.8 and 9.1, and with notation that this meeting will be adjourned in memory of Thaddeus Campbell, the LGBTQ icon credited with bringing back the Silicon Valley Pride parade, who died on Sunday, November 27, 2019, per the organization's announcement.

(11-0.)

• Closed Session Report

No report.

Access the video, the agenda, and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccenter>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

1. CEREMONIAL ITEMS

- 1.1** Mayor Sam Liccardo and Councilmembers Dev Davis and Pam Foley presented a commendation to Good Karma Bikes for their investment in programs which support at risk and emancipated youth within our community
- 1.2** Mayor Sam Liccardo and Councilmember Johnny Khamis presented a Commendation to Beautiful Day for their work to bring together government agencies, community organizations and people from all walks of life to solve difficult community problems, aggressively spread compassion, and provide no strings attached service for those who are otherwise unable to help themselves.
- 1.3** Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Kami Richardson for earning national recognition with the distinguished Girl Scout Gold Award from The Girl Scouts of Northern California and Girl Scouts USA for the successful implementation of her Sea Flow Filter Program
Heard in the Evening

2. CONSENT CALENDAR

Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Consent Calendar was approved, with Item 2.19 pulled, and the below listed actions taken as indicated.

(11-0)

- 2.1 Approval of City Council Minutes.**
- 2.2 Final Adoption of Ordinances.**
- 2.3 Approval of Council Committee Minutes.**
- 2.4 19-1178 Mayor and Council Excused Absence Requests.**

Recommendation: (a) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Neighborhood Services and Education Committee on November 14, 2019, due to illness.
 (b) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the AD-HOC Committee for Housing Construction & Development Services on November 14, 2019, due to illness.
 CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Esparza)

Action: Excused absence for Councilmember Esparza, from the Regular Meeting of the Neighborhood Services and Education Committee on November 14, 2019 was approved and excused absence for Councilmember Esparza, from the Regular Meeting of the Ad Hoc Committee for Housing Construction & Development Services on November 14, 2019, was approved.

(11-0)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 19-1148 Settlement of Guerrero, et. al. v. City of San José.****Recommendation:**

Approve a settlement in the amount of \$375,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Guerrero, et. al. v. City of San José.

CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: A settlement in the amount of \$375,000, inclusive of attorney fees, was approved as recommended.

(11-0)

2.8 19-1149 Settlement of M Squared Enterprises, Inc. dba Tribloom, Inc. v. City of San José.**Recommendation:**

Approve a settlement in the amount of \$275,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of M Squared Enterprises, Inc. dba Tribloom, Inc. v. City of San José.

CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: A settlement in the amount of \$275,000, inclusive of attorney fees, was approved as recommended.

(11-0)

2.9 19-1182 Appoint Fire Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan.**Recommendation:**

Appoint Andrew Gardanier as the Fire Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2023.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: The appointment of Andrew Gardanier as the Fire Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2023 was approved as recommended.

(11-0)

2.10 19-1140 Appoint Members to Measure T Oversight Committee.**Recommendation:**

- (a) Approve the following Measure T Community Oversight Committee appointments:
- (1) District 1 Seat: Appoint Gary Cunningham;
 - (2) District 2 Seat: Appoint Caroline Bauer;
 - (3) District 4 Seat: Appoint Jai Srinivasan;
 - (4) District 7 Seat: Appoint Will Smith;
 - (5) District 9 Seat: Appoint Kat Wilson;
 - (6) District 10 Seat: Appoint Rich Giammona;
 - (7) Citywide Business Seat: Dan Bozzuto;
 - (8) Citywide Environmental Seat: Craige Edgerton;
 - (9) Citywide Labor Seat: Enrique Arguello;
 - (10) Citywide Public Safety Seat: Sean Kaldor;
 - (11) Citywide Finance or Accounting Seat: Arjun Batra;
 - (12) District 3 Seat: Appoint Jeff Levine.
- (b) Consider, discuss, and adopt whether terms and term limits should be established for this Committee.

CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Action: The appointment of Members to Measure T Oversight Committee was approved as recommended.

(11-0)

2.11 19-1150 Amendment to the Agreement with Cruz Strategies, LLC for State Legislative Advocacy Services.**Recommendation:**

Approve an Amendment to the Agreement for Consultant Services with Cruz Strategies, LLC that includes:

- (a) Additional lobbying services obligations for Cruz Strategies, LLC including lobbying services relating to Public Safety Power Shutoff events and advancing energy resiliency;
- (b) Increase the total compensation paid for state legislative advocacy services from \$374,194 to \$467,742 for the period of December 10, 2019 to June 30, 2021 (an additional \$5,000 per month); and
- (c) Increase the contract amount for the one-year option to extend the Agreement from July 1, 2021 to June 30, 2022 to provide ongoing services from \$240,000 to \$300,000 (an additional \$5,000 per month), subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.

(City Manager)

Deferred to 12/17/19 per Administration

2.12 19-1151 Amendment to Title 3 of the San José Municipal Code Amending the Police and Fire Department Retirement Plan to Allow for Continuation of Survivorship Benefits for Active Police Members Killed in the Line of Duty.

Recommendation: Approve an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to allow spouses and domestic partners of active Police members killed in the line of duty to continue their survivorship benefits in the event that they remarry or re-establish a domestic partnership.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: Ordinance No. 30348 was passed for publication.
(11-0)

2.13 19-1152 Amendment to the Purchase Order for the Citywide Windows 10 Upgrade Project.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Amend Open Purchase Order 58216 with Granite Data Solutions (Sacramento, CA) to increase compensation by \$400,000 for the purchase of additional desktop computers and workstations capable of running Windows 10 for a total maximum compensation of \$1,700,000 for a term executed on October 29, 2019 and ending October 28, 2020;
(b) Approve a contingency of \$255,000 for unanticipated increases in desktop computers and workstations, subject to the appropriation of funds; and
(c) Amend Open Purchase Order 58216 to extend the term to April 30, 2021, if necessary to complete the Windows 10 upgrade project.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

Action: Resolution No. 79338 was adopted. Staff report was approved as recommended.
(11-0)

2.14 19-1153 First Quarter Financial Reports for Fiscal Year 2019-2020.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on November 21, 2019:
(1) Accept the First Quarter (period ending September 30, 2019) Financial Reports for Fiscal Year 2019-2020 for the following programs:
(a) Debt Management;
(b) Investment Management; and
(c) Revenue Management.

Action: The First Quarter Financial Reports for Fiscal Year 2019 2020, was approved as recommended.
(11-0)

(Item Continued on the Next Page)

2.14 19-1153 First Quarter Financial Reports for Fiscal Year 2019-2020. (Cont'd)

(2) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$381,357.80.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

[Public Safety, Finance, and Strategic Support Committee referral

11/21/19 - Item (c)1]

Action: Resolution No. 79339 was adopted.

(11-0)

2.15 19-1154 Amendment to the Agreement with Santa Clara County Central Fire Protection District for Provisions of Emergency Response Services to Zone One.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Second Amendment to the Agreement between the Santa Clara County Central Fire Protection District and the City of San José, including a one-year retroactive extension of the Agreement to June 30, 2020, with an option to extend the term through June 30, 2024.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) Resulting in no physical changes to the environment.

(Fire)

Action: Resolution No. 79340 was adopted.

(11-0)

2.16 19-1155 Nomination of Metropolitan Transportation Commission/Association of Bay Area Governments Priority Development Area and Priority Production Area.

Recommendation: (a) Adopt a resolution nominating the South De Anza Boulevard area as a new Metropolitan Transportation Commission/Association of Bay Area Governments Priority Development Area.

Action: Resolution No. 79341 was adopted.

(11-0)

(b) Adopt a resolution nominating a new Metropolitan Transportation Commission/Association of Bay Area Governments Priority Production Area within the Monterey Business Corridor and Senter Road General Plan growth areas.

CEQA: Determination of Consistency with the Envision San José 2040 Final Environmental Impact Report (EIR) (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda thereto.

(Planning, Building and Code Enforcement)

Action: Resolution No. 79342 was adopted.

(11-0)

2.17 19-1156 Actions Related to the Spending Plan for the Internet Crimes Against Children Task Force Invited Awards for Fiscal Year 2019.

Recommendation:

Adopt a resolution accepting the Spending Plan for the Internet Crimes Against Children Task Force Invited Awards for Fiscal Year 2019-2020 in the amount of \$558,585, and authorize the City Manager to execute the Grant Agreement and all related documents, including online certifications at time of reimbursement request, without further City Council action.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Police)

Action: Resolution No. 79343 was adopted.
(11-0)

2.18 19-1157 Ordinance Designating Additional Public Right-of-Way for Property Located on Mount Pleasant Road.

Recommendation:

Approve an ordinance designating an approximately 775 square foot portion of City-owned property located on the west side of Mount Pleasant Road, northwest of Mount Pleasant Court, as public right-of-way.
CEQA: Categorically Exempt, File No. ER19-065, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.
(Public Works)

Action: Ordinance No. 30349 was passed for publication.
(11-0)

2.19 19-1158 Second Amendment to Master Agreement with Callander Associates Landscape Architecture for Landscape Architectural Construction Support for Coyote Creek Trail: 16th Street/William Street to Story Road Project.

Recommendation:

Approve the Second Amendment to the Master Agreement with Callander Associates Landscape Architecture extending the term from December 31, 2019 to December 31, 2021 for the sole purpose of allowing the consultant to provide construction support for the Coyote Creek Trail: 16th Street / William Street to Story Road project.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Public Works)

Councilmember Maya Esparza posed questions for staff pertaining to parks' public safety impacts and coordination with the SJPD.

Public Works Director, Matt Cano, provided update and backgrounder on their joint work thus far, and responded to questions.

Police Chief Eddie Garcia observed that when the park's construction is complete, the PD will take charge, have it prioritized, and keep it safe.

(Item Continued on the Next Page)

2.19 19-1158 Second Amendment to Master Agreement with Callander Associates... (Cont'd)

Public Comments: Lori Ramos Chavez expressed concern about the proposed park's expansion, reported a recent experience whereby she was threatened with an axe, and just this past weekend, she stated, somebody come up from inside the jungle who break into our mailbox and went back toward that way.

Action: Upon motion by Councilmember Maya Esparza to accept staff report, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff report was accepted, with additional clarifications to add this to the work plan and bring it to the NSE Committee for coordination work on it between the SJP, PRNS, Public Works Dept., and the City Manager's Office, and thereafter, determine a time to bring it back to the full Council for action.

(10-1. Absent: Khamis)

2.20 19-1177 Approval of Evergreen Leadership Neighborhood Association Winter Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: (a) Approve the Evergreen Leadership Neighborhood Association Winter Community Event scheduled on Saturday, December 14, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

Action: The Evergreen Leadership Neighborhood Association Winter Community Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(11-0)

2.21 19-1179 Retroactive Approval of Light Up City Hall Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: (a) Retroactively approve the Light Up City Hall held on October 1, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)

Action: The Light Up City Hall held on October 1, 2019 Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(11-0)

2.22 19-1198**Actions Related to the Proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services Grant, Approval of the Revised 2018-2020 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.****Recommendation:**

(a) Approve the proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,580,790 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum and in the event State SLES Grant payments are less or more than expected.

(b) Approve the revised 2018-2020 Spending Plan for the SLES Grant in the amount of \$2,491,761.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

(1) Increase the estimate for Revenue from State of California by \$1,281,085;

(2) Increase the appropriation to the Police Department for the SLES Grant 2018-2020 in the amount of \$893,942; and

(3) Establish an appropriation to the Police Department for the SLES Grant 2019-2021 in the amount of \$387,143.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

Renumbered from Item 8.1 (19-1175)

Action: The proposed 2019 2021 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant was approved. Ordinance No. 30350 was adopted, and Resolution No. 79344 was adopted.

(11-0)

2.23 19-1224**Actions Related to the Purchase Order for Modular Video Detection Systems.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Iteris (Santa Ana, CA) for the purchase of Modular Video Detection Systems, including hardware, software, and maintenance for a twelve-month period, starting on or about December 11, 2019 and ending on December 10, 2020, with maximum compensation not to exceed \$720,000; and

(b) Exercise up to three additional one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about December 3, 2023, to purchase additional systems and provide ongoing maintenance and support, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-024, CEQA Guidelines Section 15303(d), New Construction of Small Structures. (Finance)

[Deferred from 12/3/19 Item 2.9 (19-1105)]

Action: Resolution No. 79345 was adopted. Staff recommendation was approved.

(11-0)

2.24 19-1226**Approval of Palestinian Flag Raising Event Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

As recommended by the Rules and Open Government Committee on December 4, 2019:
(a) Approve the Palestinian Flag Raising scheduled on April 3, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)

[Rules Committee referral 12/4/19 - Item G.1.a]

Action: The Palestinian Flag Raising scheduled on April 3, 2020 Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved.

(11-0)

2.25 19-1227**Approval of City Hall Free Use on Saturday, December 21, 2019 by Council District 2 for the Homeless Memorial Observance as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

As recommended by the Rules and Open Government Committee on December 4, 2019:
(a) Adopt a resolution authorizing “Free Use” for a memorial observance in the Rotunda on Saturday, December 21, 2019, to honor the houseless individuals that have died unsheltered on the streets of San José, bring awareness to the tragedy of homelessness and build community support for compassionate solutions to our City’s homeless crisis, hosted by the Silicon Valley Interreligious Council and the District 2 Council office;
(b) Approve the Homeless Memorial Observance scheduled on December 21, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(c) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)

[Rules Committee referral 12/4/19 - Item G.1.b]

Action: Resolution No. 79346 was adopted. Staff recommendation was approved.

(11-0)

2.26 19-1228

Retroactive Approval of District 4 Christmas Tree for the Berryessa Community Center Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on December 4, 2019:
(a) Retroactively approve the donation of a Christmas tree from District 4 to be placed in the Berryessa Community Center lobby and decorated by staff on December 2, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)

[Rules Committee referral 12/4/19 - Item G.1.c]

Action: The donation of a Christmas tree from District 4 to be placed in the Berryessa Community Center lobby and decorated by staff on December 2, 2019 Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved.
(11-0)

2.27 19-1229

Retroactive Approval of District 4 Crafts Booth at the Berryessa Community Center Breakfast with Santa Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on December 4, 2019:
(a) Retroactively approve the crafts booth at the Berryessa Community Center Breakfast with Santa event scheduled on December 7, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)

[Rules Committee referral 12/4/19 - Item G.1.d]

Action: The crafts booth at the Berryessa Community Center Breakfast with Santa event scheduled on December 7, 2019 Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved.
(11-0)

2.28 19-1230

Approval of District 4 Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on December 4, 2019:
 (a) Approve the Dumpster Day event scheduled on December 14, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
 (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)

[Rules Committee referral 12/4/19 - Item G.1.e]

Action: The Dumpster Day Special Event scheduled on December 14, 2019 was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved.

(11-0)

2.29 19-1231

Digital Cities Survey Awards Dinner.

Recommendation:

As recommended by the Rules and Open Government Committee on December 4, 2019, approve the receipt of gifts received in official capacity in accordance with Municipal Code section 12.08.120.B. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jones)[Rules Committee referral 12/4/19 - Item G.2]

Action: The receipt of gifts received in official capacity in accordance with Municipal Code section 12.08.120.B was approved as recommended.

(11-0)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

3.2 Labor Negotiations Update.

3.3 19-1180

Waiver of Revolving Door Restrictions.

Recommendation:

As recommended by the Rules and Open Government Committee on November 20, 2019, approve the request by Kyra Kazantzis, the former Senior Policy Advisor for Mayor Sam Liccardo, for a Waiver of the Revolving Door Restrictions for the work described in the attached memo previously submitted to the Rules Committee, and adopt the findings adopted by the Rules Committee and as outlined in the memo that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Attorney)

[Rules and Open Government Committee referral 11/20/19 - Item G.2]

Action: The request by Kyra Kazantzis, the former Senior Policy Advisor for Mayor Sam Liccardo, was approved as recommended.

(11-0)

3.4 19-1139 Civil Service Commission Interviews and Appointments.

Recommendation: Interview applicants and consider appointments to fill two (2) Member-at-Large Seats with terms ending November 30, 2023 on the Civil Service Commission.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)
Not heard before 5:00 p.m.

Mayor Sam Liccardo declared the applicants' interview process open, and fetched questions for the candidates.

Action: Applicants for consideration for appointments to fill two (2) Member-at-Large Seats with terms ending November 30, 2023 on the Civil Service Commission were interviewed. Roy Truitt was appointed. Second appointment to be taken up next week after interview of third applicant.
(11-0)

3.5 19-1159 Termination of a Proclamation of a Local Emergency.

Recommendation: Adopt a resolution terminating the Director of Emergency Services' proclamation of October 26, 2019 of the existence of a local emergency resulting from predicted high wildfire risk conditions and PG&E's notice that it would execute a Public Safety Power Shutoff affecting portions of the City of San José.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects. (City Manager)

Action: Resolution No. 79347 was adopted, terminating the Director of Emergency Services' proclamation of October 26, 2019 of the existence of a local emergency.
(11-0)

3.6 19-1160 County Implementation of Laura's Law and Enhanced Conservatorships.

Recommendation: As recommended by the Rules and Open Government Committee on November 20, 2019, direct the Administration to transmit a letter from the Mayor and City Council to the Santa Clara County Board of Supervisors and the County Administration to request County implementation of Laura's Law (Assisted Outpatient Treatment) and strengthened conservatorship policies, and add these objectives to the City's legislative priorities.
CEQA: Not a Project, PP 17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules and Open Government referral 11/20/19 - Item G.3]

There was no presentation for this item.

Mayor Sam Liccardo introduced the item with observation that the ultimate decision on this rests with the County, rather than the City. Therefore, communication with the County is important.

Councilmember Maya Esparza noted the conflation of mental health and homelessness issues, however, the County takes the lead on this.

(Item Continued on the Next Page)

3.6 19-1160 County Implementation of Laura's Law and Enhanced Conservatorships. (Cont'd)

Public Comments: Offering comments on the County Implementation of Laura's Law and Enhanced Conservatorships were: Chloe Shipp, (San José Downtown Association); Elisa Koff-Ginsbor, (BHOA); Linda Kinkaid, (CEDAR); Richard Calhoun, (CEDAR); Paul Soto, David Hendel, Pamela Weston, Jennifer Jones, Lorraine Zeller, (ACCESS Cal Voices); Kathleen Gallagher, (Law Foundation of Silicon Valley); Robert Aguirre, Cathy Burden, Martin Cox, (Veteran); Richard Scott, Scott Largent, and Shawn Cartwright.

Action: Upon motion by Councilmember Maya Esparza to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, staff report was accepted, including approval of the memorandum from Councilmember Esparza to accept staff's recommendation and direct the City Manager to:

1. Reach out and seek to establish a partnership with the County of Santa Clara that will allow the City to collaborate, on the 13 points that were identified by Supervisors Cortese and Chavez in their November 5th 2019 referral (Attachment B) wherein they request, "options for consideration relating to the provision of safe places and support services for members of the community with high needs, who are severely mentally ill, dually diagnosed, and unhoused."
2. Work to support legislation and policies that provide more resources for enhanced programs that serve to support the severely mentally ill, dually diagnosed and unhoused in Santa Clara County.
3. Work with the County to develop a system of direct referrals from City staff to County mental health support services that fall outside of the scope of Assisted Outpatient Treatment.

Also approved is direction to schedule a joint City Council Study Session on this issue with the third item above being one of the topics.

This was modified with additional clarifications to collaborate with local universities to fill the pipeline with professionals.

(11-0)

3.7 19-1181 Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2019.**Recommendation:**

As recommended by the Public Safety, Finance, and Strategic Support Committee on November 21, 2019, accept the Fiscal Year 2018-2019 Comprehensive Annual Financial Report for the City of San José.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

[Public Safety, Finance, and Strategic Support Committee referral
11/21/19 - Item (d)3]

Heard concurrently with Items 3.8 (19-1161) and 9.1 (19-1176)

(Item Continued on the Next Page)

3.7 19-1181 Comprehensive Annual Financial Report for Fiscal Year Ended June 30, (Cont'd)

Mayor Sam Liccardo convened a Joint session of the Successor Agency to the Redevelopment Agency of the City of San Jose and the City Council meeting

Finance Director Julia Cooper, Assistant Finance Director Lisa Taitano, Deputy Finance Director, Annie To, and Macias Gini & O'Connell LLP Accounting Partner, David Bullock, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff report was accepted, and the Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2019 was approved.

(11-0)

3.8 19-1161 External Auditor's Report: Report to those Charged with Governance for the Year Ended June 30, 2019.**Recommendation:**

As recommended by the Public Safety, Finance, and Strategic Support Committee on November 21, 2019, accept the Report to Those Charged with Governance for the year ended June 30, 2019 as issued by Macias Gini & O'Connell LLP, the City's external auditor.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

[Public Safety, Finance and Strategic Support Committee referral
11/21/19 - Item (d)4]

Heard concurrently with items 3.7 (19-1181) and 9.1 (19-1176)

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff report was accepted, and the External Auditor's Report: Report to those Charged with Governance for the Year Ended June 30, 2019 was approved.

(11-0)

Mayor Sam Liccardo adjourned the Joint session of the Successor Agency to the Redevelopment Agency of the City of San Jose and the City Council meeting, and re-convened the City Council meeting per Agenda.

3.9 19-1162 Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2019.**Recommendation:**

As recommended by the Public Safety, Finance, and Strategic Support Committee on November 21, 2019, accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year ended June 30, 2019.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance) [Public Safety, Finance and Strategic Support Committee referral 11/21/19 - Item (d)5]

Finance Director Julia Cooper, Assistant Finance Director Lisa Taitano, and Debt Administrator Joe Gray, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff report was accepted, and the Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2019 was approved.

(10-1. Absent: Carrasco)

3.10 19-1163 Public Hearing on Recording Liens on Properties for Reimbursement of Cost of Sidewalk Repairs to be Placed on the Fiscal Year 2020-2021 Santa Clara County Secured Property Tax Bill.**Recommendation:**

(a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.

(b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report.

(c) Direct the recording of liens and the placement of charges as set forth therein on the 2020-2021 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

Mayor Sam Liccardo declared Public Hearing open, and called for public comments.

Finance Director Julia Cooper, Transportation Director John Ristow, Deputy Finance Director Rick Bruneau, and Deputy Transportation Director, Rick Scott, gave a presentation and responded to questions.

Council had a productive and extensive debate.

Mayor Sam Liccardo declared Public Hearing closed. There were no speakers' cards from the floor for public comments.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Lan Diep, and carried unanimously, Resolution No. 79348 was adopted, and staff report was accepted, including approval of the memorandum from Councilmember Peralez to:

(Item Continued on the Next Page)

3.10 19-1163**Public Hearing on Recording Liens on Properties for Reimbursement...(Cont'd)**

1. Accept staff report and request the City Manager to do the following
 - a. Roll over any remaining funds into the Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program for the next fiscal year, and
 - b. Restructure the Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program to:
 - i. Adjust to the City of San Jose cost of living standards, and
 - ii. Adjust the program with a stepped reduction approach based on extremely low income, very low income, low income, and moderate income levels, and
 - c. Revise and update the information pamphlet to include:
 - i. Information on income requirements for financial hardship assistance.
 - ii. Expand into multi-languages (i.e. Spanish and Vietnamese) and d. Come back through the budget process for any necessary fiscal adjustment to the program.

Additional clarification was given to look at the threshold for lien. (11-0)

3.11 19-1232**Spending Priorities for Potential General Fund Revenue from a Real Property Transfer Tax Measure.****Recommendation:**

As recommended by the Rules and Open Government Committee on December 4, 2019:
 (a) Conduct a budgeting discussion and consideration of spending priorities for potential General Fund revenue that may result from the passage of a real property transfer tax measure.

(b) Direct staff to provide the necessary amendments to Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, for the outcome of the Council's deliberations on this budgeting decision.

(c) Include within the Council Policy the following spending priorities for General Fund revenue flowing from the potential real property transfer tax measure:

(1) Up to 5% set-aside for City administration of funding related to increased workload resulting from more robust homeless prevention efforts and the creation of more affordable housing, and

(2) Of the remaining revenue, allocate:

(i) 10% for homelessness prevention and rental assistance for homeless college and school-engaged students, victims of domestic violence, seniors, and families,

(ii) 45% for permanent supportive and affordable rental housing for extremely low-income (ELI) households-defined as earning less than 30% of area median income,

(iii) 35% for affordable rental housing for 30%-80% AMI households, and

(iv) 10% for below market-rate for-sale housing and moderate-income rental housing-up to and including 120% AMI-including rent-restricted ADU forgivable loans, down payment assistance, and first-time homeownership opportunities for households up to 120% AMI.

(d) We also propose further transparency and accountability of the City Council's spending decisions relating to revenue from the real property transfer tax revenue, in addition to the already-directed requirement of a two-thirds Council vote amending any spending priorities and establishment of an Oversight Committee:

(Item Continued on the Next Page)

3.11 19-1232 Spending Priorities for Potential General Fund Revenue from a Real (Cont'd)

(1) Requiring a 60-day notice and at least two public hearings prior to the Council taking action on any proposed change to the annual spending plan that could shift any funding, and

(2) Creating a separate accounting for the revenues generated by the measure for the purposes of oversight by the Oversight Committee.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff, eventual action requires approval from decision-making body, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Mayor, Peralez, Diep, Foley)
[Rules Committee referral 12/4/19 - Item G.3]

There was no presentation for this item.

Mayor Sam Liccardo declared budgeting discussion and consideration of spending priorities for potential General Fund revenue open, with observations that this is a general tax. This money will go to the general fund. The idea is to ensure we have a process that ensures complete transparency and accountability about how these dollars are spent.

Councilmember Maya Esparza: proposed an edit on the 10 percent and recommended leaving it for homeless prevention and rental assistance for various community members, such as Veteran or a victim of domestic violence.

Public Comments: Offering comments on the budgeting discussion and consideration of Spending priorities for potential General Fund revenue were: Poncho Guevara, (Sacred Heart Community Service); Mario Lopez, (SV@Home Action Fund); Elma Arrendondo, (Los Mariposas HOA); David Low, (Destination Home); Jeffery Buchanan (WPUSA) and Robert Aguirre.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff recommendation was approved with 2(i) changed to end at the word "assistance."
(9-2. Noes: Jimenez, Khamis)

RECESS/RECONVENE

The City Council recessed at 5:27 p.m. from the afternoon Council Session and reconvened at 6:00 p.m. in the Council Chambers, City Hall.

Present: Council Members – Liccardo, Jones, Jimenez Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, Khamis

Absent: All present

3.12 19-1233 **Resolution in Support of Transforming PG&E into a Customer-Owned Utility.**

Recommendation: As recommended by the Rules and Open Government Committee on December 4, 2019, adopt a resolution that supports transforming Pacific Gas & Electric Company into a private, customer-owned utility, maintaining the utility's current service area.
CEQA: Not a Project: File No. PP17-010, Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 12/4/19 - Item G.4]

Community Energy Director, Lori Mitchel, and Deputy City Manager Jim Ortbal responded to questions.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded By Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79349 was adopted, calling for the California Public Utilities Commission and the United States Bankruptcy Court to fully consider a proposal to transform Pacific Gas And Electric Company into a customer-owned utility.
(9-2. Absent: Carrasco, Arenas)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-1164 **Team San José and Convention and Visitors Bureau Performance 2018-2019.**

Recommendation: As recommended by the Community and Economic Development Committee on November 18, 2019, accept report on Team San José and Convention and Visitors Bureau performance.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
[Community and Economic Development Committee referral 11/18/19 - Item (d)4]

City Auditor, Joe Rois gave a presentation and responded to questions.

Public Comments: Ben Roschke, (Team San Jose Director of Strategic Development) commented on the work of, and collaboration by his organization and noted that, they are honored to serve the City in fiscal year 2019

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, Team San José and Convention and Visitors Bureau Performance 2018 2019 report was accepted as recommended,
(9-2. Absent: Carrasco, Arenas)

4.2 19-1165 **Financial Feasibility Study of the Ice Centre Expansion Project.**

Recommendation: (a) Accept Feasibility Study on the financial feasibility of financing the proposed expansion of the Solar4America Ice Centre with the lease payments from the Sharks Ice, LLC;
(b) Direct staff to develop a bond financing structure and prepare the necessary documents for consideration by the City of San José Financing Authority Board and City Council; and

(Item Continued on the Next Page)

4.1 19-1164**Team San José and Convention and Visitors Bureau Performance ... (Cont'd)**

(c) Direct staff to negotiate an Amended and Restated Lease and Management Agreement with Sharks Ice, LLC for the City Council's consideration.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff, eventual action requires approval from decision-making body.

(Economic Development/Finance)

Finance Director Julia Cooper, Economic Development Assistant Director Nanci Klein, and Financial Feasibility Consultants Catherine Sarrett and Lloyd Ne, gave a presentation and responded to questions.

Public Comments: Sharks Vice President John Gustafson, addressed the Council, and expressed gratitude for the opportunity offered his organization to grow their partnership with the City of San José.

Action: Upon motion by Councilmember Maya Esparza to move approval, seconded by Councilmember Dev Davis, and carried unanimously, staff report was accepted, and the Financial Feasibility Study of the Ice Centre Expansion Project was approved. (10-1. Absent: Arenas)

4.3 19-1166**Status Report Council Policy Priority #8 - North San José Area Development Policy Update.****Recommendation:**

(a) Accept staff's status report on the proposed amendments to the North San José Area Development Policy;

(b) Direct staff to proceed with the proposed approach to the North San José Area Development Policy including the preparation of the appropriate environmental review under the California Environmental Quality Act (CEQA) to facilitate near term development; and

(c) Return to Council shortly after the New Year with specific recommendations on the implementation of recent state legislation advancing residential development that takes effect on January 1, 2020.

CEQA: Not a Project, PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 3 and 4. (Economic Development/Planning, Building and Code Enforcement/Transportation)

Economic Development Director, and Deputy City Manager Kim Walesh, Economic Development Deputy Director Chris Burton, and Transportation Department Division Manager Ramses Madou gave a presentation and responded to questions

Public Comments: Mathew Reid offered comments on a crisis he described as severe, destabilizing to the community and families as well as threaten our economy.

Action: Upon motion by Councilmember Lan Diep to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, staff's Status Report Council Policy Priority #8 North San José Area Development Policy Update, was accepted, including approval of the Memorandum from Councilmember Lan Diep to accept staff recommendation with the following direction:

(Item Continued on the Next Page)

4.3 19-1166 Status Report Council Policy Priority #8 - North San José Area (Cont'd)

- I. Refine the definition of the Transit Employment Center land use designation in our city's General Plan, as defined in Chapter 5, to clarify the condition under which "limited residential uses" are allowed, as well as to prevent future uses that do not meet the desired density on land with TEC designation;
2. Provide the Council with an analysis of the additional staffing and funding required to:
 - a. Commence a new programmatic environmental impact study on North San Jose utilizing statewide adoption of VMT to guide creation of a new development policy (Council direction 1.b from May 14, 2019);
 - b. Incorporate the Daniel Rose Fellowship's proposal into the North San Jose Neighborhood Plan (Council direction 3 from May 14, 2019); and
 - c. Develop a longer term work plan to initiate a major policy revision that appropriately updates the NSJ Development Policy's land use and transportation expectations, and facilitates more development within the area (Staff recommendation #6 in November 25 2019 memo regarding item 4.3 on December 9 2019 memo); and
3. Identify potential budget actions that Council may take to fund the work identified above.

(10-1. Absent: Arenas)

4.4 19-1167 Report on Bids and Award of Contract for the 8267 - Traffic Signal Modification at King Road and San Antonio Street.**Recommendation:**

Report on bids and award of contract for the 8267 - Traffic Signal Modification at King Road and San Antonio Street to the low bidder, Columbia Electric, Inc., in the amount of \$1,094,851 and approval of a 5 percent contingency in the amount of \$54,743. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 5. (Public Works/Transportation/Housing)

There was no presentation for this item.

Public Works Director Matt Cano and Transportation Director John Ristow responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Maya Esparza, and carried unanimously, staff report was accepted.

(10-1. Absent: Arenas)

4.5 19-1168

Status Report on Measure T - The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond.**Recommendation:**

- (a) Accept the status report on the workplan and implementation updates for projects included in the approved Measure T Bond Measure.
- (b) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
- (1) Establish the Aircraft Rescue and Fire Fighting Facility appropriation to the Fire Department in the amount of \$383,000; and
 - (2) Decrease the Unrestricted Ending Fund Balance by \$383,000.
- (c) Increase the Design-Build Contingency for the 8963 - Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility - Fire Station No. 20 Project by \$383,000 from \$1,540,000 to \$1,923,000.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
(Public Works/City Manager)

Public Works Director Matt Cano, Public Works Deputy John Cannon, and Public Works Division Manager David French, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Magdalena Carrasco, and carried unanimously, staff report was accepted. Ordinance No. 30351 was adopted.
(10-1. Absent: Arenas)

5. NEIGHBORHOOD SERVICES

5.1 19-1169

Actions Related to the Pellier Park Master Plan.**Recommendation:**

- (a) Adopt a resolution adopting the Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Environmental Impact Report and Downtown Strategy 2040 Environmental Impact Report, and Addenda thereto, in accordance with the California Environmental Quality Act, as amended.
- (b) Approve the Pellier Park Master Plan to guide development of a 0.52-acre site at the northeast corner of Terraine Street and West St. James Street in Downtown San José.
- CEQA: Addendum to Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Environmental Impact Report File No. GP03-03-01 (Resolution No. 72170) and Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and Addenda thereto. Council District 3. (Parks, Recreation and Neighborhood Services)

PRNS Director John Cicireli, Deputy Director Nicolle Burnham, Parks Manager Robert Tidmore, and SWA Group Project Consultant Daniel Affleck, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Sergio Jimenez, and carried unanimously, Resolution No. 79350 was adopted, and the Pellier Park Master Plan guide was approved, including approval of the Memorandum from Councilmember Peralez which approves staff recommendation.
(10-1. Absent: Arenas)

5.2 19-1170

ActivateSJ - Department Strategic Plan.**Recommendation:**

As recommended by the Neighborhood Services and Education Committee on November 14, 2019, accept the Department of Parks, Recreation and Neighborhood Services 20-year strategic plan, ActivateSJ.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

(Parks, Recreation, and Neighborhood Services)

[Neighborhood Services and Education Committee referral 11/14/19 - Item (d)3]

PRNS Director John Cicireli, Deputy Director Nicolle Burnham, and Public Information Manager Carolina Camarena, gave a presentation and responded to questions.

Public Comments: Offering comments on ActivateSJ Department Strategic Plan were: Bill Rankin, (President, Save Our Trails); Jean Dresden, (San Jose Parks Advocate); Shani Kleinhaus, and Marisol Caballero

Action: Upon motion by Councilmember Sergio Jimenez to move approval, seconded By Vice Mayor Chappie Jones, and carried unanimously, the ActivateSJ Department Strategic Plan was accepted, including approval of the Memorandum from Councilmember Khamis to:

1. Accept the memo from Mayor Liccardo and Councilmember Jimenez with the following modifications to Recommendation 3:
 - a. Include as a task within benchmark EA4, "Achieve a 10-minute walk to a quality park", to assemble a multi-department (Planning, Transportation, OED, CAO and PRNS) team to:
 - i. Scour park-deprived neighborhoods for low-traffic streets, col-du-sacs [sic], areas along sound walls, and other underutilized publicly-owned space for conversion to parks and trails. Return to Council with a prioritized list of sites for ready conversion to recreational use.
 - ii. Look at regulations that might not currently be serving us well or are possibly hindering our progress toward this goal, and return to Council with an analysis of potential Municipal Code changes or other regulatory modifications to facilitate new and creative solutions to our parkland deficit.

This was amended with approval of the Memorandum from Mayor Liccardo and Councilmember Jimenez to:

1. Accept the ActivateSJ Strategic Plan, but include language in the introductory pages of the document that acknowledges that there are not identified funding sources for many of the specific elements of the Plan, and that all expenditures are subject to identification of such funding and approval by the Mayor and Council.
2. Return to Council with priority actions from the plan that staff can achieve under three funding scenarios. Priority actions should focus on addressing the desire of residents for clean, safe, and accessible parks, trails, and facilities, particularly in communities of high need. Those funding scenarios should include:

(Item Continued on the Next Page)

5.2 19-1170

ActivateSJ - Department Strategic Plan. (Cont'd)

- a. Current funding
- b. A moderate increase in funding, in the range of \$5 to \$10 million per year
- c. A substantial increase in funding, such as \$50 million

3. Include as a task within benchmark EA4, "Achieve a 10-minute walk to a quality park," to assemble a multi-department (Planning, Transportation, OED and PRNS) team to scour park-deprived neighborhoods for low-traffic streets, col-du-sacs, areas along sound walls, and other underutilized publicly-owned space for conversion to parks and trails. Return to Council with a prioritized list of sites for ready conversion to recreational use.

Additional clarification was given to include public safety in the multi-department team, and be mindful of environmental impacts.

(10-1. Absent: Arenas)

5.3 19-1171

Update on Neighborhood Center Partner Program (formerly Community Center Reuse Program).**Recommendation:**

As recommended by the Neighborhood Services and Education Committee on November 14, 2019:

- (a) Accept the Neighborhood Center Partner Program (formerly Community Center Reuse Program) status report; and
- (b) Approve the removal of seven facilities from the Neighborhood Center Partner Program facility inventory list.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)[Neighborhood Services and Education Committee referral 11/14/19 - Item (d)4]

PRNS Director John Cicireli, Deputy Director Neil Rufino, and Division Manager Andrea Flores Shelton, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, staff report was accepted, including approval of the Memorandum from Mayor Liccardo and Councilmember Peralez to:

Accept the status report on the Neighborhood Center Partner Program; and approve the removal of the seven facilities from the Neighborhood Center Partner Program facility inventory list; and direct the City Manager to:

- 1) Clarify the schedule and cost associated with the process of transferring maintenance and property management functions to the Bella Castello Apartment property manager and associated potential impacts, with the intent to avoid any service disruption to the Spartan Keyes neighborhood; and
- 2) Clarify how this change may impact community access such as hours of operation and accessibility to community-serving non-profits and neighborhood organizations;
- 3) Bring the schedule and projected cost to Council in the form of an Information Memo By March, 2020.

(10-1. Absent: Arenas)

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-1172 Report on Fiscal Year 2018-2019 Traffic Impact Fee.

Recommendation:

Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs:

- (a) North San José;
- (b) Evergreen-East Hills;
- (c) US-101/Oakland/Mabury; and
- (d) Interstate 280/Winchester Boulevard.

CEQA: Not A Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational memos that involve no approvals of any City action. (Transportation)

There was no presentation for this item.

PRNS Director John Cicireli, and Deputy Director Neil Rufino responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones, and carried unanimously, staff report was accepted.
(10-1. Absent: Arenas)

6.2 19-1173 Report on BART Phase II Transit-Oriented Communities Strategy Study.

Recommendation:

Accept the report from the Santa Clara Valley Transportation Authority on the BART Phase II Transit Oriented Communities Strategy Study and endorse the approach outlined in the study for creating transit oriented communities in San José, subject to conditions.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 3 and 5. (Transportation/Planning, Building and Code Enforcement)

Not heard before 6:00 p.m.

Economic Development Director, and Deputy City Manager Kim Walesh, DOT Associate Engineer, Doug Moody; Planning Building Code Enforcement Planner, Charla Gomez, PBCE Division Manager, Timothy Rood, Economic Development Office Downtown Manager, Blage Zelalich, VTA's Real Estate & Transit-Oriented Development Director Ron Golem, and BART Extension Planning Manager, Jill Gibson gave a presentation and responded to questions

Councilmember Raul Peralez Commented on Charlie Faas, (representing the San José State University), and his team's work relating to the Report on BART Phase II Transit-Oriented Communities Strategy Study.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Pam Foley, and carried unanimously, staff report was accepted, including approval of the Memorandum from Councilmember Peralez to accept staff recommendation with the following changes:

(Item Continued on the Next Page)

6.2 19-1173**Report on BART Phase II Transit-Oriented Communities Strategy Study. (Cont'd)**

1. Prior to the Valley Transportation Authority (VTA) Board approval of the TOC plans, request that VT A staff include supplemental language outlining the impacts from recent state legislation on value-capture districts and how these strategies should align with the city's efforts to integrate new state regulation into its land use processes,
2. In regard to the "construction impacts" section of staffs memorandum, agendize at a future Community and Economic Development committee an update on VTA's Small Business Assistance Study.
3. If the city opts to hire a real estate market consultant to analyze future commercial demands in the four Five Wounds Urban Village areas (Five Wounds, Little Portugal, Roosevelt Park, and 24th and William), include in the analysis how changes to commercial requirements would impact current and future local small businesses.
(9-2. Absent: Arenas, Khamis)

7. ENVIRONMENTAL & UTILITY SERVICES**7.1 19-1174****Actions Related to the 2020 Power Mix, Opt-Out Fee Waiver, and Net Energy Metering Enrollment.****Recommendation:**

Adopt a resolution:

- (a) Establishing a power mix of at least 86% greenhouse gas-free energy with at least 45% renewable energy for San José Clean Energy's GreenSource base product beginning January 1, 2020; provided that, notwithstanding the power mix, San José Clean Energy's GreenSource product will continue to be at 1% below Pacific Gas and Electric Company's generation rates after accounting for the franchise fee surcharge and the Power Charge Indifference Adjustment across all rate classes for 2020, and the 100% renewable energy TotalGreen product will continue to be 0.5-1 cent per kWh higher than GreenSource.
- (b) Waiving opt-out fees of San José Clean Energy service for all customers.
- (c) Approve the final phase of customer enrollments by San José Clean Energy to enroll residential and small commercial Net Energy Metering customers in four quarterly batches beginning in April 2020 and finishing in January 2021.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Community Energy)

Community Energy Director, Lori Mitchel, and Account Management and Marketing Deputy Director Zach Struyk, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79351 was adopted, (1) establishing a power mix of at least 86% greenhouse gas-free energy with at least 45% renewable energy for San Jose Clean Energy's green source base product beginning January 1, 2020; (2) waiving opt-out fees for San Jose Clean Energy Service for all customers; and (3) approving the final phase of customer enrollments by San Jose Clean Energy to enroll residential and small commercial net energy metering customers in four quarterly batches beginning in April 2020 and finishing in January 2021
(10-1. Absent: Arenas)

8. PUBLIC SAFETY

8.1 19-1175 Actions Related to the Proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services Grant, Approval of the Revised 2018-2020 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.

Recommendation:

(a) Approve the proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,580,790 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum and in the event State SLES Grant payments are less or more than expected.

(b) Approve the revised 2018-2020 Spending Plan for the SLES Grant in the amount of \$2,491,761.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

(1) Increase the estimate for Revenue from State of California by \$1,281,085;

(2) Increase the appropriation to the Police Department for the SLES Grant 2018-2020 in the amount of \$893,942; and

(3) Establish an appropriation to the Police Department for the SLES Grant 2019-2021 in the amount of \$387,143.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

Renumbered to 2.22 (19-1198)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 19-1176 Successor Agency to the Redevelopment Agency of the City of San José Fiscal Year 2018-2019 Audited Financial Statements.

Recommendation:

Accept the Fiscal Year 2018-2019 Independent Auditor's Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Finance)

Heard concurrently with Items 3.7 (19-1181) and 3.8 (19-1161)

Mayor Sam Liccardo convened a Joint session of the Successor Agency to the Redevelopment Agency of the City of San Jose and the City Council meeting

Finance Director Julia Cooper, Assistant Finance Director Lisa Taitano, Deputy Finance Director, Annie To, and Macias Gini & O'Connell LLP Accounting Partner, David Bullock, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff report was accepted, and the Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2019 was approved.

(11-0)

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

MINUTES OF SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

Upon motion unanimously adopted, Council recessed at 9:40 a.m. to a Closed Session in Room W133 to (A) confer with Legal Counsel-Existing Litigation Pursuant to Government Code Section 54956.9(d) (1): 1. Case Name: In re: Claim of Malek; Names of Parties(s) Involved: Workers Compensation Appeals Court. Court; Case No.: ADJ6718515, ADJ7264097, ADJ3424077. Amount of Money or Other Relief Sought: Benefits. 2. Case Name: In re: Claim of Claim of Kleszyk; Name(s) of Parties(s) Involved: Workers Compensation Appeals Court. Court; Case No.: ADJ10937062. Amount of Money or Other Relief Sought: Benefits; (3) Case Name: Teeples. Name(s) of Parties(s) Involved: Workers Compensation Appeals Court. Court; Case No.: ADJ11046614. Amount of Money or Other Relief Sought: Benefits. 4. Case Name: In re: Claim of Dalaison. Name(s) of Parties(s) Involved: Workers Compensation Appeals Court. Court; Case No.: ADJ11275662. Amount of Money or Other Relief Sought: Benefits. 5. Case Name: In re: Claim of Lazcano v. City, et al. Name(s) of Parties(s) Involved: Gustavo Lazcano; City of San Jose; Marco Mercado. Court: Superior Court of California, County of Santa Clara. Court; Case No.: 19-cv-342413. Amount of Money or Other Relief Sought: Damages according to proof. (B) confer with Legal Counsel anticipated litigation: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 1. (C) confer with Legal Counsel anticipated litigation: Initiation of litigation pursuant to Section 54956.9(d)(2) and (e)(1) of the Government Code: Number of matter(s) to be discussed: 1 (D) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: Peace Officer Park Ranger Association, (POPRA). Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Peace Officer Park Ranger Association. (2) Organization or Name and Title of Unrepresented Employees: City of San José and San José Polices' Association, (SJPOA); Nature of negotiations: wages/salaries, hours, working conditions, etc.; Name of Existing Memorandum of Agreement — City of San José and Contract or MOA: City of San José and San José Polices' Association.

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By unanimous consent, Council recessed from the Closed Session at 11:09 a.m. and reconvened to Regular Session at 1:33 p.m. in the Council Chambers.

Present: Councilmembers - Liccardo, Jones, Arenas, Davis, Diep (1:37 p.m.), Esparza, Khamis, Jimenez, Carrasco, Peralez, Foley

Absent: Councilmembers - All present.

• **Open Forum**

No cards.

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 10:26 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

lo/12-10-19 MIN

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On occasion the City Council may consider agenda items out of order.